

110TH CONGRESS
1ST SESSION

H. R. 3079

To amend the Joint Resolution Approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 18, 2007

Mrs. CHRISTENSEN (for herself and Mr. RAHALL) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To amend the Joint Resolution Approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **TITLE I—NORTHERN MARIANA**
4 **ISLANDS IMMIGRATION, SE-**
5 **CURITY, AND LABOR ACT**

6 **SECTION 101. SHORT TITLE.**

7 This title may be cited as the “Northern Mariana Is-

8 lands Covenant Implementation Act”.

1 **SEC. 102. STATEMENT OF CONGRESSIONAL INTENT.**

2 (a) IMMIGRATION AND GROWTH.—In recognition of
3 the need to ensure uniform adherence to long-standing
4 fundamental immigration policies of the United States, it
5 is the intention of Congress in enacting this title—

6 (1) to ensure that effective border control pro-
7 cedures are implemented and observed, and that na-
8 tional security and homeland security issues are
9 properly addressed, by extending the Immigration
10 and Nationality Act, (8 U.S.C. 1101 et seq.), to
11 apply to the Commonwealth of the Northern Mar-
12 iana Islands (referred to in this title as the “Com-
13 monwealth”), with special provisions to allow for—

14 (A) the orderly phasing-out of the non-
15 resident contract worker program of the Com-
16 monwealth; and

17 (B) the orderly phasing-in of Federal re-
18 sponsibilities over immigration in the Common-
19 wealth; and

20 (2) to minimize, to the greatest extent prac-
21 ticable, potential adverse economic and fiscal effects
22 of phasing-out the Commonwealth’s nonresident con-
23 tract worker program and to maximize the Common-
24 wealth’s potential for future economic and business
25 growth by—

1 (A) encouraging diversification and growth
2 of the economy of the Commonwealth in accord-
3 ance with fundamental values underlying Fed-
4 eral immigration policy;

5 (B) recognizing local self-government, as
6 provided for in the Covenant to Establish a
7 Commonwealth of the Northern Mariana Is-
8 lands in Political Union with the United States
9 of America through consultation with the Gov-
10 ernor of the Commonwealth;

11 (C) assisting the Commonwealth in achiev-
12 ing a progressively higher standard of living for
13 citizens of the Commonwealth through the pro-
14 vision of technical and other assistance;

15 (D) providing opportunities for individuals
16 authorized to work in the United States, includ-
17 ing citizens of the freely associated states; and

18 (E) providing a mechanism for the contin-
19 ued use of alien workers, to the extent those
20 workers continue to be necessary to supplement
21 the Commonwealth's resident workforce, and to
22 protect those workers from the potential for
23 abuse and exploitation.

24 (b) AVOIDING ADVERSE EFFECTS.—In recognition of
25 the Commonwealth's unique economic circumstances, his-

1 tory, and geographical location, it is the intent of Congress
 2 that the Commonwealth be given as much flexibility as
 3 possible in maintaining existing businesses and other rev-
 4 enue sources, and developing new economic opportunities,
 5 consistent with the mandates of this title. This title, and
 6 the amendments made by this title, should be interpreted
 7 wherever possible to expand tourism and economic devel-
 8 opment in the Commonwealth, including aiding prospec-
 9 tive tourists in gaining access to the Commonwealth's me-
 10 morials, beaches, parks, dive sites, and other points of in-
 11 terest.

12 **SEC. 103. IMMIGRATION REFORM FOR THE COMMON-**
 13 **WEALTH.**

14 (a) AMENDMENTS TO THE JOINT RESOLUTION TO
 15 APPROVE THE COVENANT TO ESTABLISH A COMMON-
 16 WEALTH OF THE NORTHERN MARIANA ISLANDS IN PO-
 17 LITICAL UNION WITH THE UNITED STATES OF AMER-
 18 ICA.—The Joint Resolution to Approve the “Covenant to
 19 Establish a Commonwealth of the Northern Mariana Is-
 20 lands in Political Union With the United States of Amer-
 21 ica”, and for other purposes, approved March 24, 1976
 22 (Public Law 94–241; 90 Stat. 263), is amended by adding
 23 at the end the following new section:

1 **“SEC. 6. IMMIGRATION AND TRANSITION.**

2 “(a) APPLICATION OF THE IMMIGRATION AND NA-
3 TIONALITY ACT AND ESTABLISHMENT OF A TRANSITION
4 PROGRAM.—

5 “(1) IN GENERAL.—Subject to paragraphs (2)
6 and (3), effective on the first day of the first full
7 month commencing 1 year after the date of enact-
8 ment of the Northern Mariana Islands Covenant Im-
9 plementation Act (hereafter referred to as the ‘tran-
10 sition program effective date’), the provisions of the
11 ‘immigration laws’ (as defined in section 101(a)(17)
12 of the Immigration and Nationality Act (8 U.S.C.
13 1101(a)(17))) shall apply to the Commonwealth of
14 the Northern Mariana Islands (referred to in this
15 section as the ‘Commonwealth’), except as otherwise
16 provided in this section.

17 “(2) TRANSITION PERIOD.—Notwithstanding
18 paragraph (1) or any provision of the Immigration
19 and Nationality Act (8 U.S.C. 1101 et seq.), there
20 shall be a transition period beginning on the transi-
21 tion program effective date and ending December
22 31, 2017, except as provided in subsection (d), dur-
23 ing which the Secretary of Homeland Security, in
24 consultation with the Secretary of State, the Attor-
25 ney General, the Secretary of Labor, and the Sec-
26 retary of the Interior, shall establish, administer,

1 and enforce a transition program to regulate immi-
2 gration to the Commonwealth, as provided in this
3 section (hereafter referred to as the ‘transition pro-
4 gram’).

5 “(3) REQUIREMENT FOR REGULATIONS.—The
6 transition program shall be implemented pursuant to
7 regulations to be promulgated, as appropriate, by
8 the head of each agency or department of the United
9 States having responsibilities under the transition
10 program.

11 “(4) INTERAGENCY AGREEMENTS.—The Sec-
12 retary of Homeland Security, the Secretary of State,
13 the Secretary of Labor, and the Secretary of the In-
14 terior shall negotiate and implement agreements
15 among their agencies to identify and assign their re-
16 spective duties so as to ensure timely and proper im-
17 plementation of the provisions of this section. The
18 agreements should address, at a minimum, proce-
19 dures to ensure that Commonwealth employers have
20 access to adequate labor, and that tourists, students,
21 retirees, and other visitors have access to the Com-
22 monwealth without unnecessary delay or impedi-
23 ment. The agreements may also allocate funding be-
24 tween the respective agencies tasked with various re-
25 sponsibilities under this section.

1 “(5) ASYLUM.—

2 “(A) REQUIREMENTS.—The Government
3 of the Commonwealth shall comply with the
4 Convention Relating to the Status of Refugees,
5 done at Geneva July 28, 1951, the Protocol Re-
6 lating to the Status of Refugees done at Geneva
7 July 28, 1951, and the United Nations Conven-
8 tion Against Torture and Other Cruel, Inhuman
9 or Degrading Treatment or Punishment done at
10 New York December 10, 1984. If, acting joint-
11 ly, the Secretary of Homeland Security and the
12 Secretary of State find that the Government of
13 the Commonwealth is not in compliance with
14 such international agreements, section 208 of
15 the Immigration and Nationality Act (8 U.S.C.
16 1158) regarding asylum shall apply to persons
17 present in the Commonwealth.

18 “(B) REGULATIONS AND REPORT.—The
19 Secretary of Homeland Security is authorized
20 to promulgate regulations for the monitoring
21 and supervision of the Commonwealth’s refugee
22 protection program, including the establishment
23 of standards for compliance and noncompliance,
24 and shall report annually to Congress as a part
25 of the report submitted under section 3(g) of

1 the Northern Mariana Islands Covenant Imple-
2 mentation Act on the performance of the Com-
3 monwealth in meeting these obligations.

4 “(b) NUMERICAL LIMITATIONS FOR NONIMMIGRANT
5 WORKERS.—An alien, if otherwise qualified, may seek ad-
6 mission to the Commonwealth on or after the transition
7 program effective date as a nonimmigrant worker under
8 section 101(a)(15)(H) of the Immigration and Nationality
9 Act (8 U.S.C. 1101(a)(15)(H)) without counting against
10 the numerical limitations set forth in section 214(g) of
11 such Act (8 U.S.C. 1184(g)).

12 “(c) IMMIGRANTS.—

13 “(1) IN GENERAL.—With the exception of im-
14 mediate relatives (as defined in section 201(b)(2) of
15 the Immigration and Nationality Act (8 U.S.C.
16 1151(b)(2)) and aliens granted an immigrant visa as
17 provided in paragraphs (2) and (3) of this sub-
18 section, no alien shall be granted initial admission as
19 a lawful permanent resident of the United States at
20 a port of entry in the Commonwealth, or a port of
21 entry in Guam for the purpose of immigrating to the
22 Commonwealth.

23 “(2) FAMILY-SPONSORED IMMIGRANT VISAS.—
24 For any fiscal year during which the transition pro-
25 gram will be in effect, the Secretary of Homeland

1 Security, after consultation with the Governor of the
2 Commonwealth, and in consultation with the heads
3 of the appropriate agencies and departments of the
4 United States, may establish a specific number of
5 additional initial admissions as family-sponsored im-
6 migrants at a port of entry in the Commonwealth,
7 or at a port of entry in Guam for the purpose of im-
8 migrating to the Commonwealth, pursuant to sec-
9 tions 202 and 203(a) of the Immigration and Na-
10 tionality Act (8 U.S.C. 1152 and 1153(a)).

11 “(3) EMPLOYMENT-BASED VISAS.—If the Sec-
12 retary of Labor, after consultation with the Gov-
13 ernor of the Commonwealth and the Secretary of
14 Homeland Security, finds that exceptional cir-
15 cumstances exist with respect to the inability of em-
16 ployers in the Commonwealth to obtain sufficient
17 work-authorized labor, in addition to the Common-
18 wealth-only transitional workers authorized under
19 section 103(d), the Secretary of Homeland Security
20 may establish a specific number of employment-
21 based visas that will not count against the numerical
22 limitations under section 203(b) of the Immigration
23 and Nationality Act (8 U.S.C. 1153(b)). The labor
24 certification requirements of section 212(a)(5) of
25 that Act (8 U.S.C. 1182(a)(5)) shall not apply to an

1 alien seeking immigration benefits under this sub-
2 section. An alien granted an employment-based visa
3 under this paragraph may be admitted initially at a
4 port of entry in the Commonwealth, or at a port of
5 entry in Guam for the purpose of immigrating to the
6 Commonwealth, as a lawful permanent resident of
7 the United States.

8 “(d) NONIMMIGRANT INVESTOR VISAS.—

9 “(1) IN GENERAL.—Notwithstanding the treaty
10 requirements in section 101(a)(15)(E) of the Immi-
11 gration and Nationality Act (8 U.S.C.
12 1101(a)(15)(E)), during the transition period, the
13 Secretary of Homeland Security may, upon the ap-
14 plication of an alien, classify an alien as a non-
15 immigrant under section 101(a)(15)(E)(ii) of the
16 Immigration and Nationality Act (8 U.S.C.
17 1101(a)(15)(E)(ii)) if the alien—

18 “(A) has been admitted to the Common-
19 wealth in long-term investor status under the
20 immigration laws of the Commonwealth before
21 the transition program effective date;

22 “(B) has continuously maintained resi-
23 dence in the Commonwealth under long-term
24 investor status;

25 “(C) is otherwise admissible; and

1 “(D) maintains the investment or invest-
2 ments that formed the basis for such long-term
3 investor status.

4 “(2) REQUIREMENT FOR REGULATIONS.—Not
5 later than 180 days after the transition program ef-
6 fective date, the Secretary of Homeland Security
7 shall publish regulations in the Federal Register to
8 implement this subsection.

9 “(3) INTERIM PROCEDURES.—The Secretary of
10 Homeland Security shall treat an alien who meets
11 the requirements of paragraph (1) as a non-
12 immigrant under section 101(a)(15)(E)(ii) of the
13 Immigration and Nationality Act (8 U.S.C.
14 1101(a)(15)(E)(ii)) until the regulations imple-
15 menting this subsection are published.

16 “(e) PERSONS LAWFULLY ADMITTED UNDER THE
17 COMMONWEALTH IMMIGRATION LAW.—

18 “(1) PROHIBITION ON REMOVAL.—

19 “(A) IN GENERAL.—Subject to subpara-
20 graph (B), no alien who is lawfully present in
21 the Commonwealth pursuant to the immigration
22 laws of the Commonwealth on the transition
23 program effective date shall be removed from
24 the United States on the grounds that such
25 alien’s presence in the Commonwealth is in vio-

1 lation of subparagraph 212(a)(6)(A) of the Im-
2 migration and Nationality Act (8 U.S.C.
3 1182(a)(6)(A)), until the earlier of the date—

4 “(i) of the completion of the period of
5 the alien’s admission under the immigra-
6 tion laws of the Commonwealth; or

7 “(ii) that is 2 years after the transi-
8 tion program effective date.

9 “(B) LIMITATIONS.—Nothing in this sub-
10 section shall be construed to prevent or limit
11 the removal under subparagraph 212(a)(6)(A)
12 of the Immigration and Nationality Act (8
13 U.S.C. 1182(a)(6)(A)) of such an alien at any
14 time, if the alien entered the Commonwealth
15 after the date of enactment of the Northern
16 Mariana Islands Covenant Implementation Act,
17 and the Secretary of Homeland Security has
18 determined that the alien entered the Common-
19 wealth in violation of this section.

20 “(2) EMPLOYMENT AUTHORIZATION.—An alien
21 who is lawfully present and authorized to be em-
22 ployed in the Commonwealth pursuant to the immi-
23 gration laws of the Commonwealth on the transition
24 program effective date shall be considered authorized
25 by the Secretary of Homeland Security to be em-

1 employed in the Commonwealth until the earlier of the
2 date—

3 “(A) of expiration of the alien’s employ-
4 ment authorization under the immigration laws
5 of the Commonwealth; or

6 “(B) that is 2 years after the transition
7 program effective date.

8 “(f) EFFECT ON OTHER LAWS.—The provisions of
9 this section and of the immigration laws, as defined in
10 section 101(a)(17) of the Immigration and Nationality Act
11 (8 U.S.C. 1101(a)(17)), shall, on the transition program
12 effective date, supersede and replace all laws, provisions,
13 or programs of the Commonwealth relating to the admis-
14 sion of aliens and the removal of aliens from the Common-
15 wealth.

16 “(g) ACCRUAL OF TIME FOR PURPOSES OF SECTION
17 212(a)(9)(B) OF THE IMMIGRATION AND NATIONALITY
18 ACT.—No time that an alien is present in the Common-
19 wealth in violation of the immigration laws of the Com-
20 monwealth shall be counted for purposes of inadmissibility
21 under section 212(a)(9)(B) of the Immigration and Na-
22 tionality Act (8 U.S.C. 1182(a)(9)(B)).

23 “(h) ONE-TIME NONIMMIGRANT PROVISION FOR
24 CERTAIN LONG-TERM EMPLOYEES.—

1 “(1) IN GENERAL.—The Secretary of Homeland
2 Security shall grant lawful nonimmigrant status in
3 the United States to all eligible aliens and their
4 spouses and children, as described in this subsection.
5 The Secretary of Homeland Security is authorized to
6 promulgate regulations to give effect to this sub-
7 section.

8 “(2) CERTIFICATION.—Not later than the tran-
9 sition program effective date, the Secretary of the
10 Interior, in consultation with the Secretary of Home-
11 land Security, the Secretary of Labor, and the Gov-
12 ernor of the Commonwealth, shall certify as eligible
13 those workers who have applied and who satisfy the
14 criteria to receive nonimmigrant status under this
15 subsection. Each such alien shall—

16 “(A) have continually resided, except for
17 brief absences, in the Commonwealth for at
18 least the 5 years prior to enactment of this
19 Northern Mariana Islands Covenant Implemen-
20 tation Act;

21 “(B) have legal immigration status within
22 the Commonwealth on the date of enactment of
23 the Northern Mariana Islands Covenant Imple-
24 mentation Act, continuing with no lapse in law-

1 ful status until the alien’s application is ap-
2 proved; and

3 “(C) shall submit a complete application
4 establishing the alien’s eligibility, pursuant to
5 regulations promulgated by the Secretary of
6 Homeland Security, not later than 1 year after
7 the date of enactment of the Northern Mariana
8 Islands Covenant Implementation Act.

9 “(3) ISSUANCE.—

10 “(A) IN GENERAL.—The Secretary of
11 State shall establish and issue an appropriate
12 visa to each applicant granted lawful non-
13 immigrant status under paragraph (1) of this
14 subsection after the date of the enactment of
15 the Northern Mariana Islands Covenant Imple-
16 mentation Act.

17 “(B) RENEWAL.—Lawful nonimmigrant
18 status granted under this section shall be re-
19 newable every 5 years.

20 “(C) REPORT TO CONGRESS.—During the
21 fourth year after the date of the enactment of
22 the Northern Mariana Islands Covenant Imple-
23 mentation Act, the Secretary of Homeland Se-
24 curity shall report to Congress in the Presi-
25 dent’s annual report submitted to Congress and

1 during the fifth year after such date of enact-
2 ment the Secretary of Homeland Security shall
3 report to Congress under subsection (g) of the
4 Northern Mariana Islands Covenant Implemen-
5 tation Act, on the status of those persons hold-
6 ing the visas authorized under this subsection
7 residing in Guam, the Commonwealth, and the
8 United States, and shall provide recommenda-
9 tions concerning the future status of such non-
10 immigrants.

11 “(4) STATUS.—

12 “(A) IN GENERAL.—Notwithstanding any
13 other provision of law and subject to subpara-
14 graph (B), each applicant selected under para-
15 graph (2) may enter into, lawfully engage in oc-
16 cupations, and establish residence as a non-
17 immigrant in the United States and its terri-
18 tories and possessions without regard to para-
19 graphs (5) and (7)(B)(i)(II) of section 212(a)
20 of the Immigration and Nationality Act (8
21 U.S.C. 1182(a)).

22 “(B) ELIGIBILITY FOR STATUS.—An appli-
23 cant is ineligible for status under subparagraph
24 (A) or renewal of such status unless and until
25 the applicant—

1 “(i) passes a background check estab-
2 lishing that the worker is not ineligible on
3 criminal and related grounds under para-
4 graph (2) of section 212(a) of the Immi-
5 gration and Nationality Act (8 U.S.C.
6 1182(a)) or security and related grounds
7 set out in paragraph (3) of such section
8 212(a);

9 “(ii) submits to a medical examination
10 establishing that the applicant is not ineli-
11 gible under the health-related criteria set
12 out in paragraph (1) of such section
13 212(a); and

14 “(iii) is otherwise admissible to the
15 United States under such section 212(a),
16 except as provided in subparagraph (A).

17 “(i) STATUTORY CONSTRUCTION.—Nothing in this
18 section may be construed to count the issuance of any visa
19 to an alien, or the grant of any admission of an alien,
20 under this section toward any numerical limitation con-
21 tained in the Immigration and Nationality Act (8 U.S.C.
22 1101 et seq.).”.

23 (b) WAIVER OF REQUIREMENTS FOR NONIMMIGRANT
24 VISITORS.—

1 (1) WAIVER OF REQUIREMENTS FOR NON-
2 IMMIGRANT VISITORS.—Section 212(l) of the Immi-
3 gration and Nationality Act (8 U.S.C. 1182(l)) is
4 amended—

5 (A) in paragraph (1), in the matter pre-
6 ceding subparagraph (A)—

7 (i) by striking “stay on Guam”, and
8 inserting “stay on Guam or the Common-
9 wealth of the Northern Mariana Islands”;

10 (ii) by inserting “a total of” after “ex-
11 ceed”; and

12 (iii) by striking “after consultation
13 with the Governor of Guam,” and inserting
14 “after consultation with the Governor of
15 Guam or the Governor of the Common-
16 wealth of the Northern Mariana Islands,”;

17 (B) in paragraph (1)(A), by striking “on
18 Guam,”, and inserting “on Guam or the Com-
19 monwealth of the Northern Mariana Islands,”;

20 (C) in paragraph (2)(A), by striking “into
21 Guam,”, and inserting “into Guam or the Com-
22 monwealth of the Northern Mariana Islands,”;

23 (D) in paragraph (3), by inserting “or the
24 Government of the Commonwealth of the

1 Northern Mariana Islands” after “Government
2 of Guam”; and

3 (E) by adding at the end the following new
4 paragraphs:

5 “(4) In the case of an alien applying for admis-
6 sion as a nonimmigrant visitor for business or pleas-
7 ure into the Commonwealth of the Northern Mar-
8 iana Islands the following shall apply:

9 “(A) The Secretary of Homeland Security
10 may require that the alien, or a representative
11 of such alien, post a bond that will be returned
12 to such alien or representative upon the alien’s
13 departure in accordance with this subsection.

14 “(B) The Secretary of Homeland Security
15 shall monitor the admission of nonimmigrant
16 visitors to the Commonwealth under this sub-
17 section. If the Secretary determines that such
18 admissions have resulted in an unacceptable
19 number of visitors from a country remaining
20 unlawfully in the Commonwealth or that visi-
21 tors from a country pose a risk to law enforce-
22 ment or security of the Commonwealth or of the
23 United States or an unacceptable number of
24 visitors from a country seek refugee protection
25 under the Commonwealth’s refugee protection

1 program, the Secretary shall suspend admission
2 under this subsection for nationals of such
3 country.

4 “(C) All necessary regulations to imple-
5 ment this subsection shall be promulgated by
6 the Secretary of Homeland Security, in con-
7 sultation with the Secretary of the Interior and
8 the Secretary of State, not later than 180 days
9 after the date of the enactment of the Northern
10 Mariana Islands Covenant Implementation Act.
11 The promulgation of such regulations shall be
12 considered a foreign affairs function for pur-
13 poses of section 553(a) of title 5, United States
14 Code.

15 “(D) At a minimum, such regulations
16 should include—

17 “(i) provisions for a Northern Mar-
18 iana Islands-Only Visa Waiver of 30 days
19 duration;

20 “(ii) a listing of all countries author-
21 ized to participate in the Northern Mar-
22 iana Islands-Only Visa Waiver Program,
23 including each country from which the
24 Commonwealth has received tourists dur-
25 ing the 5 years prior to the date of enact-

1 ment of the Northern Mariana Islands
2 Covenant Implementation Act, unless the
3 Secretary of Homeland Security deter-
4 mines that such country's inclusion on
5 such list would represent a threat to the
6 welfare, safety, or security of the United
7 States, its territories, or commonwealths;
8 and

9 “(iii) any bonding requirements for
10 visitors from some or all of the authorized
11 countries who may present an increased
12 risk of overstays or other potential prob-
13 lems.

14 “(E) Not later than 5 years after the date
15 of enactment of the Northern Mariana Islands
16 Covenant Implementation Act, the Secretary of
17 Homeland Security, the Secretary of State, and
18 the Secretary of the Interior, acting jointly, and
19 in consultation with the Governor of the Com-
20 monwealth of the Northern Mariana Islands,
21 shall establish, by regulation, a schedule for ap-
22 plying some or all the following requirements to
23 the Northern Mariana Islands-Only Visa Waiv-
24 er Program:

25 “(i) Electronic travel authorizations.

1 “(ii) Procedures for reporting lost and
2 stolen passports.

3 “(iii) Repatriation.

4 “(iv) Rates of refusal for non-
5 immigrant visitor visas, overstays, exit sys-
6 tems, and information exchange.

7 “(v) Any other requirements that such
8 Secretaries determine are relevant.

9 “(F) The Governor of the Commonwealth
10 may request that the Secretary of Homeland
11 Security add to the list of participating coun-
12 tries in this Northern Mariana Islands-Only
13 Visa Waiver Program. The Secretary may grant
14 such a request after consultation with the Sec-
15 retary of State and the Secretary of the Interior
16 and may promulgate regulations with respect to
17 inclusion of those countries and any special re-
18 quirements the Secretary of Homeland Secu-
19 rity, that the Secretary, in the Secretary’s sole
20 discretion, may require prior to allowing non-
21 immigrant visitors from those countries to enter
22 the Commonwealth.

23 “(G) The Governor of the Commonwealth
24 of the Northern Mariana Islands may request
25 that the Secretary of Homeland Security create

1 additional Northern Mariana Islands-only non-
2 immigrant visas to the extent that existing non-
3 immigrant visa categories in the Immigration
4 and Nationality Act (8 U.S.C. 1101 et seq.) do
5 not provide for the type of visitor, the duration
6 of allowable visit, or other circumstance. The
7 Secretary of Homeland Security shall review
8 such request, and, after consultation with the
9 Secretary of State and the Secretary of the In-
10 terior, may promulgate regulations with respect
11 to the creation of those additional special
12 Northern Mariana Islands-only visa categories.
13 Such additional special Northern Mariana Is-
14 lands-only visa categories may include, special
15 visas for foreign students and foreign retirees.”.

16 (2) EFFECTIVE DATE.—The amendments to the
17 Immigration and Nationality Act made by this sub-
18 section shall take effect on the first day of the first
19 full month commencing 1 year after the date of en-
20 actment of this title.

21 (c) INSPECTION OF PERSONS ARRIVING FROM THE
22 COMMONWEALTH; NORTHERN MARIANA ISLANDS-ONLY
23 VISAS NOT VALID FOR ENTRY INTO OTHER PARTS OF
24 THE UNITED STATES.—

1 (1) REMOVAL.—Section 212(d)(7) of the Immi-
2 gration and Nationality Act (8 U.S.C. 1182(d)(7)) is
3 amended to read as follows:

4 “(7) The provisions of subsection (a) (other
5 than paragraph (7) with respect to an alien who has
6 not been admitted only to the Commonwealth of the
7 Northern Mariana Islands) shall be applicable to any
8 alien who leaves Guam, Puerto Rico, the Common-
9 wealth of the Northern Mariana Islands, or the Vir-
10 gin Islands of the United States, and who seeks to
11 enter the continental United States or any other
12 place under the jurisdiction of the United States.
13 Any alien described in this paragraph who is denied
14 admission to the United States shall be immediately
15 removed in the manner provided by section 241(c) of
16 this Act. Nothing in the immigration laws shall be
17 construed to authorize or require any alien who has
18 been admitted to the Commonwealth of the North-
19 ern Mariana Islands pursuant to a Northern Mar-
20 iana Islands-only visa or in any other status limited
21 to the Commonwealth of the Northern Mariana Is-
22 lands to be admitted to or permitted to enter any
23 other part of the United States unless such admis-
24 sion or entry is otherwise authorized by the immi-
25 gration laws.”.

1 (2) ENTRY INTO OTHER UNITED STATES JURIS-
2 DICTIONS.—Persons admitted to the Commonwealth
3 under a Northern Mariana Islands-only visa shall
4 not be eligible for entry into the United States or
5 any of its territories, possessions, or commonwealths
6 without first obtaining an appropriate visa or visa
7 waiver for entry to that jurisdiction.

8 (d) SPECIAL PROVISION TO ENSURE ADEQUATE EM-
9 PLOYMENT; NORTHERN MARIANA ISLANDS-ONLY TRAN-
10 SITIONAL WORKERS.—An alien who is seeking to enter
11 the Commonwealth as a nonimmigrant worker may be ad-
12 mitted to perform work during the transition period (as
13 that term is used in section 6(a)(1) of the Joint Resolution
14 to Approve the “Covenant to Establish a Commonwealth
15 of the Northern Mariana Islands in Political Union With
16 the United States of America”, and for other purposes,
17 approved March 24, 1976, as added by subsection (a) of
18 this section, subject to the following requirements:

19 (1) Such an alien shall be treated as a non-
20 immigrant described in section 101(a)(15) of the
21 Immigration and Nationality Act (8 U.S.C.
22 1101(a)(15)), including the ability to apply, if other-
23 wise eligible, for a change of nonimmigrant classi-
24 fication under section 248 of such Act (8 U.S.C.
25 1258), or adjustment of status, if eligible therefor,

1 under this section and section 245 of such Act (8
2 U.S.C. 1255).

3 (2) The Secretary of Homeland Security shall
4 establish, administer, and enforce a system for allo-
5 cating and determining the number, terms, and con-
6 ditions of permits to be issued to prospective em-
7 ployers for each nonimmigrant worker who would
8 not otherwise be eligible for admission under the Im-
9 migration and Nationality Act (8 U.S.C. 1101 et
10 seq.). This system shall provide for a reduction in
11 the allocation of permits for such workers on an an-
12 nual basis, to zero, during a period not to extend be-
13 yond December 31, 2017, unless extended pursuant
14 to this subsection, and shall take into account the
15 number of petitions granted under subsection (h) of
16 section 6 of the Joint Resolution to Approve the
17 “Covenant to Establish a Commonwealth of the
18 Northern Mariana Islands in Political Union With
19 the United States of America”, and for other pur-
20 poses, approved March 24, 1976 (Public Law 94–
21 241), as added by subsection (a) of this section. In
22 no event shall a permit be valid beyond the expira-
23 tion of the transition period. This system may be
24 based on any reasonable method and criteria deter-
25 mined by the Secretary of Homeland Security to

1 promote the maximum use of, and to prevent ad-
2 verse effects on wages and working conditions of,
3 United States citizen workers, including lawfully ad-
4 missible freely associated state citizen labor, and
5 those granted resident status under such section
6 6(h).

7 (3) Notwithstanding section 703(b) of the Cov-
8 enant to Establish a Commonwealth of the North-
9 ern Mariana Islands in Political Union With the
10 United States of America, the Secretary of Home-
11 land Security is authorized to establish and collect
12 appropriate user fees from the employer of such an
13 alien. Amounts collected pursuant to this section
14 shall be deposited in a special fund of the Treasury.
15 Such amounts shall be available, and may be appor-
16 tioned without further appropriation for the pur-
17 poses of administering this title, and shall remain
18 available until expended.

19 (4) The Secretary of Homeland Security shall
20 set the conditions for admission of such an alien
21 under the transition program, and the Secretary of
22 State shall authorize the issuance of nonimmigrant
23 visas for such an alien to engage in employment only
24 as authorized in this subsection. Such a visa shall
25 not be valid for admission to the United States, as

1 defined in section 101(a)(38) of the Immigration
2 and Nationality Act (8 U.S.C. 1101(a)(38)), except
3 admission to the Commonwealth. An alien admitted
4 to the Commonwealth on the basis of such a visa
5 shall be permitted to engage in employment only as
6 authorized pursuant to the transition program. No
7 alien shall be granted nonimmigrant classification or
8 a visa under this subsection unless the permit re-
9 quirements established under paragraph (2) have
10 been met.

11 (5)(A) Such an alien shall be permitted to
12 transfer between employers in the Commonwealth
13 during the period of such alien's authorized stay
14 therein, without advance permission of the employ-
15 ee's current or prior employer, within the alien's oc-
16 cupational category to the same or another occupa-
17 tional category the Secretary of Homeland Security
18 has found, pursuant to subparagraph (B) below, re-
19 quires alien workers to supplement the resident
20 workforce.

21 (B) No later than 180 days prior to the expira-
22 tion of the transition period, or any extension there-
23 of, the Secretary of Labor, in consultation with the
24 Secretary of Homeland Security, the Secretary of
25 the Interior, and the Governor of the Common-

1 wealth, shall ascertain the current and anticipated
2 labor needs of the Commonwealth and determine
3 whether extensions, in 5-year increments, of the pro-
4 visions of this paragraph are necessary to ensure an
5 adequate number of workers will be available for le-
6 gitimate businesses in the Commonwealth. For the
7 purpose of this subparagraph, a business shall not
8 be considered legitimate if it engages directly or in-
9 directly in prostitution or any activity that is illegal
10 under Federal or local law. The determinations of
11 whether a business is legitimate and to what extent,
12 if any, it may require alien workers to supplement
13 the resident workforce, shall be made by the Sec-
14 retary of Homeland Security, in the Secretary's sole
15 discretion, and shall not be reviewable.

16 (C) If the Secretary of Labor determines that
17 such an extension is necessary to ensure an ade-
18 quate number of workers for legitimate businesses in
19 the Commonwealth, the Secretary of Labor may,
20 through notice published in the Federal Register,
21 provide for 1 or more extension periods of up to 5
22 years for each such extension period.

23 (D) In making the determination of whether
24 alien workers are necessary to ensure an adequate
25 number of workers for legitimate businesses in the

1 Commonwealth, and if so, the number of such work-
2 ers that are necessary, the Secretary of Labor may
3 consider, among other relevant factors—

4 (i) government, industry, or independent
5 workforce studies reporting on the need, or lack
6 thereof, for alien workers in the Common-
7 wealth's businesses;

8 (ii) the unemployment rate of United
9 States citizen workers residing in the Common-
10 wealth;

11 (iii) the unemployment rate of non-United
12 States citizen permanent residents in the Com-
13 monwealth;

14 (iv) the number of unemployed alien work-
15 ers in the Commonwealth;

16 (v) any good faith efforts to locate, edu-
17 cate, train, or otherwise prepare United States
18 citizen residents, non-United States citizen per-
19 manent residents, and unemployed alien work-
20 ers already within the Commonwealth, to as-
21 sume those jobs;

22 (vi) any available evidence tending to show
23 that United States citizen residents, non-United
24 States citizen permanent residents, and unem-
25 ployed alien workers already in the Common-

1 wealth are not willing to accept jobs of the type
2 offered;

3 (vii) the extent to which admittance of
4 alien workers will affect the compensation, ben-
5 efits, and living standards of existing workers
6 within those industries and other industries au-
7 thorized to employ alien workers; and

8 (viii) the prior use, if any, of alien workers
9 to fill those industry jobs, and whether the in-
10 dustry is overly and unnecessarily reliant on
11 alien workers.

12 (6) The Secretary of Homeland Security may
13 authorize the admission of a spouse or minor child
14 accompanying or following to join a worker admitted
15 pursuant to this subsection.

16 (e) TECHNICAL ASSISTANCE PROGRAM.—

17 (1) IN GENERAL.—The Secretary of the Inte-
18 rior, in consultation with the Governor of the Com-
19 monwealth, the Secretary of Labor, and the Sec-
20 retary of Commerce, and as provided in the Inter-
21 agency Agreements required to be negotiated under
22 subsection (a)(4) of section 6 of the Joint Resolution
23 to Approve the “Covenant to Establish a Common-
24 wealth of the Northern Mariana Islands in Political
25 Union With the United States of America”, and for

1 other purposes, approved March 24, 1976 (Public
2 Law 94–241), as added by subsection (a) of this sec-
3 tion, shall provide—

4 (A) technical assistance and other support
5 to the Commonwealth to identify opportunities
6 for, and encourage diversification and growth
7 of, the economy of the Commonwealth; and

8 (B) technical assistance, including assist-
9 ance in recruiting, training, and hiring of work-
10 ers, to assist employers in the Commonwealth
11 in securing employees first from among United
12 States citizens and nationals resident in the
13 Commonwealth and if an adequate number of
14 such workers are not available, from among
15 legal permanent residents, including lawfully
16 admissible citizens of the freely associated
17 states.

18 (2) CONSULTATION.—In providing such tech-
19 nical assistance under paragraph (1), the Secretaries
20 shall—

21 (A) consult with the Government of the
22 Commonwealth, local businesses, regional
23 banks, educational institutions, and other ex-
24 perts in the economy of the Commonwealth;
25 and

1 (B) assist in the development and imple-
2 mentation of a process to identify opportunities
3 for and encourage diversification and growth of
4 the economy of the Commonwealth and to iden-
5 tify and encourage opportunities to meet the
6 labor needs of the Commonwealth.

7 (3) COST-SHARING.—For the provision of tech-
8 nical assistance or support under this paragraph
9 (other than that required to pay the salaries and ex-
10 penses of Federal personnel), the Secretary of the
11 Interior shall require a non-Federal matching con-
12 tribution of 10 percent.

13 (f) OPERATIONS.—

14 (1) ESTABLISHMENT.—The Attorney General,
15 Secretary of Homeland Security, and the Secretary
16 of Labor may establish and maintain United States
17 Citizenship and Immigration Services, Executive Of-
18 fice for Immigration Review, and Department of
19 Labor operations in the Commonwealth for the pur-
20 pose of carrying out duties under—

21 (A) the Immigration and Nationality Act
22 (8 U.S.C. 1101 et seq.); and

23 (B) the transition program established
24 under section 6 of the Joint Resolution to Ap-
25 prove the “Covenant to Establish a Common-

1 wealth of the Northern Mariana Islands in Po-
2 litical Union With the United States of Amer-
3 ica”, and for other purposes, approved March
4 24, 1976 (Public Law 94–241), as added by
5 subsection (a) of this section.

6 (2) PERSONNEL.—To the maximum extent
7 practicable and consistent with the satisfactory per-
8 formance of assigned duties under applicable law,
9 the Attorney General, Secretary of Homeland Secu-
10 rity, and the Secretary of Labor shall recruit and
11 hire personnel from among qualified United States
12 citizen and national applicants residing in the Com-
13 monwealth to serve as staff in carrying out oper-
14 ations described in paragraph (1).

15 (g) REPORTS TO CONGRESS.—

16 (1) IN GENERAL.—By March 1, of the first
17 year which is at least 2 full years after the date of
18 enactment of this title, and annually thereafter, the
19 President shall submit to the Committee on Energy
20 and Natural Resources and the Committee on the
21 Judiciary of the Senate and the Committee on Nat-
22 ural Resources and the Committee on the Judiciary
23 of the House of Representatives a report that evalu-
24 ates the overall effect of the transition program es-
25 tablished under section 6 of the Joint Resolution to

1 Approve the “Covenant to Establish a Common-
2 wealth of the Northern Mariana Islands in Political
3 Union With the United States of America”, and for
4 other purposes, approved March 24, 1976 (Public
5 Law 94–241) as added by subsection (a) of this sec-
6 tion, and the Immigration and Nationality Act (8
7 U.S.C. 1101 et seq.) on the Commonwealth.

8 (2) CONTENTS.—In addition to other topics
9 otherwise required to be included under this title or
10 the amendments made by this title, each report sub-
11 mitted under paragraph (1) shall include a descrip-
12 tion of the efforts that have been undertaken during
13 the period covered by the report to diversify and
14 strengthen the local economy of the Commonwealth,
15 including efforts to promote the Commonwealth as a
16 tourist destination.

17 (3) GAO REPORTS.—The Government Account-
18 ability Office shall submit a report to Congress not
19 later than 1 year, 3 years, and 5 years after the date
20 of enactment of this title, to include, at a minimum,
21 the following items:

22 (A) An assessment of the implementation
23 of this title and the amendments made by this
24 title, including an assessment of the perform-
25 ance of Federal agencies and the Government

1 of the Commonwealth in meeting congressional
2 intent.

3 (B) An assessment of the short-term and
4 long-term impacts of implementation of this
5 title and the amendments made by this title on
6 the economy of the Commonwealth, including
7 its ability to obtain workers to supplement its
8 resident workforce and to maintain access to its
9 tourists and customers, and any affect on com-
10 pliance with United States treaty obligations
11 mandating non-refoulement for refugees.

12 (C) An assessment of the economic benefit
13 of the investors “grandfathered” under sub-
14 section (e) of section 6 of the Joint Resolution
15 to Approve the “Covenant to Establish a Com-
16 monwealth of the Northern Mariana Islands in
17 Political Union With the United States of
18 America”, and for other purposes, approved
19 March 24, 1976 (Public Law 94–241), as
20 added by subsection (a) of this section, and the
21 Commonwealth’s ability to attract new investors
22 after the date of the enactment of this title.

23 (D) An assessment of the number of illegal
24 aliens in the Commonwealth, including any

1 Federal and Commonwealth efforts to locate
2 and repatriate them.

3 (E) An assessment of the effectiveness of
4 Commonwealth gambling regulations.

5 (F) Recommendations for furthering con-
6 gressional intent under this title.

7 (G) Comments on annual reports sub-
8 mitted to Congress by the Commonwealth
9 under paragraph (4).

10 (4) REPORTS BY THE LOCAL GOVERNMENT.—

11 The Governor of the Commonwealth may submit an
12 annual report to the President on the implementa-
13 tion of this title, and the amendments made by this
14 title, with recommendations for future changes. The
15 President shall forward the Governor's report to
16 Congress with any Administration comment after an
17 appropriate period of time for internal review.

18 (h) LIMITATION ON NUMBER OF ALIEN WORKERS
19 PRIOR TO APPLICATION OF THE IMMIGRATION AND NA-
20 TIONALITY ACT AND ESTABLISHMENT OF TRANSITION
21 PROGRAM.—During the period beginning on the date of
22 enactment of this title and ending on the effective date
23 of the transition program established under section 6 of
24 the Joint Resolution to Approve the “Covenant to Estab-
25 lish a Commonwealth of the Northern Mariana Islands in

1 Political Union With the United States of America”, and
 2 for other purposes, approved March 24, 1976 (Public Law
 3 94–241), as added by subsection (a) of this section, the
 4 Government of the Commonwealth shall not permit an in-
 5 crease in the total number of alien workers who are
 6 present in the Commonwealth as of the date of enactment
 7 of this title.

8 (i) AMENDMENT TO CLARIFY IMMIGRATION AND NA-
 9 TIONALITY ACT WITH RESPECT TO TIME SPENT IN THE
 10 UNITED STATES FOR LAWFUL PERMANENT RESI-
 11 DENTS.—With regard to persons who have previously been
 12 granted United States lawful permanent resident status,
 13 and who reside in the Commonwealth, and whose resi-
 14 dence may not have fallen within the provisions of section
 15 506(c) of the Covenant to Establish a Commonwealth of
 16 the Northern Mariana Islands in Political Union With the
 17 United States of America, periods of residence in the Com-
 18 monwealth, prior to the date of the enactment of this title,
 19 shall be considered to have been resident within the United
 20 States.

21 **TITLE II—NORTHERN MARIANA** 22 **ISLAND DELEGATE ACT**

23 **SEC. 201. SHORT TITLE.**

24 This title may be cited as the “Northern Mariana Is-
 25 lands Delegate Act”.

1 **SEC. 202. DELEGATE TO HOUSE OF REPRESENTATIVES**
2 **FROM COMMONWEALTH OF THE NORTHERN**
3 **MARIANA ISLANDS.**

4 The Commonwealth of the Northern Mariana Islands
5 shall be represented in the United States Congress by the
6 Resident Representative to the United States authorized
7 by section 901 of the Covenant to Establish a Common-
8 wealth of the Northern Mariana Islands in Political Union
9 With the United States of America (approved by Public
10 Law 94–241 (48 U.S.C. 1801 et seq.)). The Resident Rep-
11 resentative shall be a nonvoting Delegate to the House of
12 Representatives, elected as provided in this title.

13 **SEC. 203. ELECTION OF DELEGATE.**

14 (a) **ELECTORS AND TIME OF ELECTION.**—The Dele-
15 gate shall be elected—

16 (1) by the people qualified to vote for the popu-
17 larly elected officials of the Commonwealth of the
18 Northern Mariana Islands; and

19 (2) at the Federal general election of 2008 and
20 at such Federal general election every 2d year there-
21 after.

22 (b) **MANNER OF ELECTION.**—

23 (1) **IN GENERAL.**—The Delegate shall be elect-
24 ed at large and by a plurality of the votes cast for
25 the office of Delegate.

1 (2) EFFECT OF ESTABLISHMENT OF PRIMARY
2 ELECTIONS.—Notwithstanding paragraph (1), if the
3 Government of the Commonwealth of the Northern
4 Mariana Islands, acting pursuant to legislation en-
5 acted in accordance with the Constitution of the
6 Commonwealth of the Northern Mariana Islands,
7 provides for primary elections for the election of the
8 Delegate, the Delegate shall be elected by a majority
9 of the votes cast in any general election for the of-
10 fice of Delegate for which such primary elections
11 were held.

12 (c) VACANCY.—In case of a permanent vacancy in the
13 office of Delegate, the office of Delegate shall remain va-
14 cant until a successor is elected and qualified.

15 (d) COMMENCEMENT OF TERM.—The term of the
16 Delegate shall commence on the 3d day of January fol-
17 lowing the date of the election.

18 **SEC. 204. QUALIFICATIONS FOR OFFICE OF DELEGATE.**

19 To be eligible for the office of Delegate a candidate
20 shall—

21 (1) be at least 25 years of age on the date of
22 the election;

23 (2) have been a citizen of the United States for
24 at least 7 years prior to the date of the election;

1 (3) be a resident and domiciliary of the Com-
2 monwealth of the Northern Mariana Islands for at
3 least 7 years prior to the date of the election;

4 (4) be qualified to vote in the Commonwealth of
5 the Northern Mariana Islands on the date of the
6 election; and

7 (5) not be, on the date of the election, a can-
8 didate for any other office.

9 **SEC. 205. DETERMINATION OF ELECTION PROCEDURE.**

10 Acting pursuant to legislation enacted in accordance
11 with the Constitution of the Commonwealth of the North-
12 ern Mariana Islands, the Government of the Common-
13 wealth of the Northern Mariana Islands may determine
14 the order of names on the ballot for election of Delegate,
15 the method by which a special election to fill a permanent
16 vacancy in the office of Delegate shall be conducted, the
17 method by which ties between candidates for the office of
18 Delegate shall be resolved, and all other matters of local
19 application pertaining to the election and the office of Del-
20 egate not otherwise expressly provided for in this title.

21 **SEC. 206. COMPENSATION, PRIVILEGES, AND IMMUNITIES.**

22 Until the Rules of the House of Representatives are
23 amended to provide otherwise, the Delegate from the Com-
24 monwealth of the Northern Mariana Islands shall receive
25 the same compensation, allowances, and benefits as a

1 Member of the House of Representatives, and shall be en-
2 titled to whatever privileges and immunities are, or herein-
3 after may be, granted to any other nonvoting Delegate to
4 the House of Representatives.

5 **SEC. 207. LACK OF EFFECT ON COVENANT.**

6 No provision of this title shall be construed to alter,
7 amend, or abrogate any provision of the covenant referred
8 to in section 202 except section 901 of the covenant.

9 **SEC. 208. DEFINITION.**

10 For purposes of this title, the term “Delegate” means
11 the Resident Representative referred to in section 202.

○